

Procedure

PRIVACY: INFORMATION SYSTEMS

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**Policy–
Privacy Statement:** Eventide Homes (Stawell) Inc. is committed to respecting and maintaining the privacy of personal and health information.

We are bound by the Australian Privacy Principles and Victorian Health Privacy Principles that establish the benchmark for how such information should be handled, and has embraced these principles as part of its standard operating procedures.

Restricted access to, and secure storage and disposal of information and records identified as confidential (including electronic and hard copy files) will be maintained, with all information that enters Eventide Homes (Stawell) Inc. handled uniformly.

In order to provide appropriate care and services, personal and health information is collected from residents verbally and in writing, including contact and next of kin information, date of birth, health information and financial information. Information is collected and recorded throughout a residents time as a resident with Eventide Homes (Stawell) Inc..

The main purpose for gathering and holding this information is to process applications for residency, to assess the level of care and service appropriate to residents needs, to deliver the care and services required and to make decisions about the level of funding residents will be entitled to receive.

To enable Eventide Homes (Stawell) Inc to meet its obligations, and as required by legislation, information relevant to the care and services being provided may need to be disclosed to facility personnel (i.e. nurses, personal carers, diversional therapists, finance, environmental food services, hospitality and administrative staff) and consulting health professionals (i.e. medical practitioners, physiotherapists, pharmacists, pathologists, speech therapists, dieticians, social workers, psychologists, occupational therapists, specialist nurses), and other service providers (e.g. volunteers, community visitors, clergy).

Eventide Homes may, from time to time, disclose some of this information to the Courts, Commonwealth Government or its agencies. This will be done in accordance with the provisions of the *Aged Care Act* or other laws and will be done for purposes that may include a legal obligation, funding, management, planning, monitoring, improvement or evaluation of the facility's services. The Commonwealth Government is also subject to laws dealing with privacy and has its own policies that are designed to safeguard your information.

If you are concerned that Eventide Homes may have handled your personal information inappropriately, or you would like to know more about its privacy practices, including your right to request access to information held by Eventide Homes, please contact the Privacy Officer, Chief Executive Officer.

All complaints are taken seriously and Eventide Homes(Stawell)Inc will endeavour to deal with them promptly. Complaints can also be made to Office of Australian Information Commissioner on 1300 363 992 or <http://www.oaic.gov.au/privacy/making-a-privacy-complaint>. We encourage you to put complaints in writing so it can ensure they are actioned and followed-up appropriately.

All requests for access must be made in writing. The Privacy Officer will arrange for an **access**form to be sent to you and can assist with any enquiries you may have about the process.

The organisation will respond to all requests for access within a reasonable period after the request is made.

Scope: All documents defined as records.

References: Standards and Guidelines for Residential Aged Care Services, 1998: 1.8, 3.6.;
Aged Care Act, 1997;
AS/NZS 4269:1995 Complaints Handling;
Information Privacy Act, 2000 (Vic);
Health Records Act, 2001;
Privacy Act 1988; and
Privacy Amendment (Private Sector) Act, 2000.
Privacy Amendment (Enhancing Privacy Protection) Act 2012

Authorised by: Sue Blakey Position: Chief Executive Officer Signature:

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ITEM / WHO	KEY STEPS	CLARIFICATION
1.0 Refer <i>Information Systems, Recruitment, Selection, Separation and Termination, and Accommodation Enquiry</i>		
<p>1 ADMIN OFFICER / CCM TEAM LEADER</p>	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;">Training</div>	<ol style="list-style-type: none"> 1. Personnel are trained in the completion of records (active forms) to ensure regulatory and policy and procedure compliance. 2. Access to each record is denoted by location and level of security 3. Privacy is included in Orientation
<p>2 CCM TEAM LEADER / PRIVACY OFFICER</p>	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;">Consent</div>	<ol style="list-style-type: none"> 1. All personnel have a consent statement completed in relation to their personal information (Personnel Profile) 2. All residents have a Consent Statement: Resident completed in relation to their health and personal information (Resident Administration File) 3. Should the forms be inappropriate or inadequate for situation, a Consent Statement: General is completed 4. Consent to disclose next of kin and Power of Attorney information in the event of an emergency is assumed
<p>3 CEO</p>	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;">Requests for Access to Information</div>	<ol style="list-style-type: none"> 1. Acts as the Privacy Officer 2. Must be in writing: Access: Health and Personal Information 3. Verifies identity of the person making the request e.g. Photo ID 4. Acknowledges receipt in writing within a reasonable period after the request is made; actions within a reasonable period after the request is made 5. Registers requests on the Privacy: Register for Request for Information 6. Access is provided in the form requested by the individual /authorised representative if it is reasonable to do so, except where that information was collected prior to 1.7.2002 and is not: <ol style="list-style-type: none"> a. a history of the <u>individual's</u> health, an <u>illness</u> or a <u>disability</u>; or b. any findings on an examination of the <u>individual</u> in relation to their health, an <u>illness</u> or a <u>disability</u>; or c. the results of an investigation into the health, an <u>illness</u> or a <u>disability</u> of the <u>individual</u>; or d. a diagnosis, or preliminary diagnosis, of an <u>illness</u> or <u>disability</u> of the <u>individual</u>; or e. a plan of management, or proposed plan of management, of the treatment or care of an <u>individual's</u> <u>illness</u> or <u>disability</u>; or f. action taken or services provided (whether or not in accordance with a plan of management) by or under the direction or referral of a <u>health service provider</u> in relation to the <u>individual</u>; or g. <u>personal information</u> about the <u>individual</u> collected in connection with the donation, or intended donation, of his or her body parts, organs or body substances; or h. genetic information about an <u>individual</u> in a form which is or could be predictive of the health, at any time, of the <u>individual</u> or of any of his or her descendants (Section 29, <i>Health Records Act 2001</i>) 7. Eventide Homes (Stawell) Inc. at least provides an accurate summary of the information requested unless refusal is acceptable (refer Item 4)

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ITEM / WHO	KEY STEPS	CLARIFICATION
<p>4 PRIVACY OFFICER</p>	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> <p>Refusal of access</p> </div>	<p>a. Access may be refused in the following circumstances:</p> <p>b. Eventide Homes reasonably believes that giving access would pose a serious threat to life, health or safety of any individual, or to public health or public safety.</p> <p>c. Where providing access have an unreasonable impact on the privacy of other individuals</p> <p>d. Where the request is frivolous or vexatious;</p> <p>e. Where the information relates to existing or anticipated legal proceedings between Eventide Homes (Stawell) Inc. and the individual and would not be available via the process of discovery;</p> <p>f. Where providing access would reveal the intentions of Eventide Homes (Stawell) Inc. in relation to negotiations with the individual in such a way as to prejudice the negotiations;</p> <p>g. Where providing access would be unlawful;</p> <p>h. Where denying access is required or authorised under Australian law or a court/tribunal order;</p> <p>i. Where Eventide Homes</p> <ul style="list-style-type: none"> a. has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to Eventide Homes function or activities has been, is being or may be engaged in; b. where providing access would be likely to prejudice the taking of appropriate action in relation to the matter; <p>j. Where providing access would be likely to prejudice the activities of an enforcement body (such as the Australian Federal Police or the Victorian Police Force);</p> <p>k. Where providing access would reveal evaluative information generated within the Eventide Homes in connection with a commercially sensitive decision-making process;</p> <p>l. Where access is refused due to (a) – (j) or to give access in the manner requested by the individual, Eventide Homes must take such steps (if any) as are reasonable in the circumstances to give access that meets the needs of Eventide Homes and the individual</p> <p>m. Where access is refused Eventide Homes must provide written notice that outlines:</p> <ul style="list-style-type: none"> a. the reasons for the refusal, unless, having regards to the grounds for the refusal, it would be unreasonable to do so; b. the complaint mechanism available to the individual; and c. any other matters prescribed by the regulations. <p>n. Where access is refused because of (j) the reasons for the refusal may include an explanation for the commercially sensitive decision</p> <ul style="list-style-type: none"> a. Eventide Homes seeks legal advice.
<p>5 PRIVACY OFFICER</p>	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> <p>Fees for Access</p> </div>	<p>1. The cost of photocopying and time required to discuss information may be charged</p> <p>2. Costs must be discussed, must not be excessive and agreed in writing prior to access being granted</p>

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6 Privacy Officer	Correction of Information	<ol style="list-style-type: none"> 1. If an individual is able to establish that the personal information held by Eventide Homes is not accurate, complete and up-to-date, irrelevant or misleading reasonable steps will be taken to correct the information 2. If Eventide Homes has disclosed inaccurate, incomplete, out of date, irrelevant or misleading information to another person/organisation Eventide Homes must take reasonable steps to ensure that the person/organisation is aware of the correction to the information
7 Privacy Officer	Cross Border Disclosure	<ol style="list-style-type: none"> 1. Personal information can only be transferred out of Australia if the recipient is subject to substantially similar laws i.e. protected by equivalent privacy standards; Exceptions: <ol style="list-style-type: none"> a. Individual has consented b. The disclosure of information is required or authorised by or under Australian law or a court/tribunal order c. The transfer is for the benefit of the individual, it is impractical to obtain the individual's consent, and if it were feasible, the individual would be likely to consent d. Disclosure is necessary to lessen or prevent a serious threat to life, health or safety of any individual, or public health and safety e. Reasonable steps have been taken to ensure the information transferred will not be held, used or disclosed by the recipient in a manner inconsistent with the Australian Privacy Principles (Contractual provisions addressing these matters would need to be developed)
8 Approved Provider	Transfer or Closure of the Facility/Organisation (Health Service Provider practice/business)	<ol style="list-style-type: none"> 1. Must give notice of the proposed transfer or closure to residents/clients and former residents/clients to enable those individuals to apply for their information before the change takes effect 2. May elect to either retain the health information or pass it on to residents/clients or to their new service provider 3. Will comply with resident client request/ authorisation regarding information transfer where appropriate
9 Management	Monitoring	<ol style="list-style-type: none"> 1. Data and statistics are analysed and plans developed to improve outcomes for the resident, service and personnel

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